

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2813 OF 2007

Dyandeo Damu Patil	..Applicant
versus	
State of Maharashtra	..Respondents

Mr. N. R. Bubna for the Applicant.
Mr. S. S. Pednekar, APP for the Respondents -
State.

CORAM : V. C. DAGA, J.
DATE : 28TH AUGUST, 2007.

P.C.

. Heard learned counsel for the applicant and
the learned APP for the State.

2. Leave to amend. Amendment to be carried out
during the course of the day.

3. By consent of parties, application is taken
up for final disposal at the stage of admission.

4. Factual matrix reveal that the applicant had
been asked to appear before the Sessions Court at
the time of hearing of the application of the
Anticipatory Bail. The applicant however applied

for permission to appear through his advocate with prayer to permit hearing in his absence. The said application came to be rejected. Consequently the applicant left with no option and withdrew his application (Exhibit '14') for anticipatory bail.

5. The applicant by amendment has also challenged the order permitting him to withdraw the application.

6. It appears that it was legitimate for the applicant to make prayer rejected by the Court below since he was not protected by any interim order.

7. In the above view of the matter, by consent of parties, the order permitting the applicant to withdraw application (Exhibit '14') is set aside. The said application (Exhibit '14') has been restored to the file of the Sessions Judge, Malegaon, with direction to dispose of the same within four weeks from the date of receipt of this order.

8. In the meanwhile, the applicant would be under interim protection. By way of interim

protection, it is ordered that in the event of arrest of the applicant, the applicant be enlarged on bail on his executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) with one surety.

9. The above interim protection shall remain in operation till the decision on Exhibit '14' on its own merits.

10. The application stands disposed of with no order as to costs.

JUDGE